

**MIDDLETOWN ZONING BOARD OD REVIEW**

**THE MIDDLETOWN ZONING BOARD OF REVIEW HELD IT'S REGULAR MONTHLY MEETING ON APRIL 22,2008 AT 7:00 P.M.. PRESENT AT THIS MEETING WERE CHAIRMAN- TOM SILVEIRA- VICE CHAIRMAN- ED MOY , SECRETARY -LUCY LEVADA-VOTING MEMBERS PETER VAN STEEDEN , TOM NEWMAN- ALTERNANTS- RICHARD CAMBRA, STEVE MACGILLIVRAY MELISSA MASSEY. TOWN SOLICITOR- MICHAEL MILLER AND ZONING OFFICER JACK KANE'.**

**VICE CHAIRMAN ED MOY RESIGNED FROM THE BOARD AND THE COUNCIL APPOINTED MELISSA MASSEY TO BE THE 5TH VOTING MEMBER ON THE BOARD.**

**A MOTION WAS MADE BY PETER VAN STEEDEN AND SECOND BY TOM NEWMAN TO ACCEPT THE MARCH 25, 2008 MINUTES. MOTION CARRIED 5-0**

**APPEALS:**

1. KARMIK, LLC.-----

MAY 27,2008
- 2.-----BARRY SMITH-----MAY 27,2008

**CONTINUANCES/WITHDRAWALS:**

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**1. DUNCAN & BARBARA CHAPMAN**

**(2)----- MAY 27,2008**

**2. ST. COLUMBA'S-----**

**MAY 27,2008**

**3 SAMANTHA & JAMES**

**LEDUC----- MAT 27,2008**

**4, BRYAN**

**COONEY-----MAY**

**27,2008**

**5. HOLLY MC**

**LEAR----- MAY 27,2008**

**PETITIONS :OF -**

**1.) ASSIGNS OF JOHN CLARKE C/O- WILLIAM CORCORAN ESQ.-31  
AMERICAS RD. NEWPORT, R.I.-(OWNER) NEWPORT YMCA 792  
VALLEY RD. MIDDLETOWN, R.I.- (APPLICANT)**

**BY THEIR ATTORNEY ROBERT SILVA ESQ. FOR A VARIANCE FROM  
SECTIONS603 & 704-B TO PERMIT THE CONSTRUCTION OF AN  
ACCESSARY USE, NAMELY AN OUTDOOR LEADERSHIP CENTER,  
CONSISTING OF A ROPES COURSE/CLIMBING TOWER WHICH  
WOULD CONSIST OF A “TOWER” WITH (4) POLES 43' IN HEIGHT,  
INCLUDING A CLIMBING WALL OF 36' IN HEIGHT, WHERE 25' IS  
ALLOWED UNDER THE ORDINANCE A “HIGH ELEMENT WHICH**

CONSIST OF 6 POLES 43' IN HEIGHT , FOOT CABLES 32' IN HEIGHT AND A PAMPER POLE 34'IN HEIGHT WHERE 25' IS ALLOWED UNDER THE ORDINANCE. SAID REAL ESTATE IS LOCATED AT 792 VALLEY RD. AND FURTHER IDENTIFIED AS LOT 1 ON TAX ASSESSOR'S PLAT 115.

THIS POLE WILL BE STRUCTURED OUT DOORS AND WILL BE A CHALLENGE FOR THE CHILDREN.

A MOTION WAS MADE BY LUCY LEVADA AND SECOND BY PETER VAN STEEDEN TO GRANT THE PETITION'. PETITION GRANTED 5-0

2.) HEATHER WOLFE-25 ALGONQUIN DR. MIDDLETOWN, R.I.-(OWNER) FOR A SPECIAL USE PAGE 2

PERMIT FROM ARTICLE 16 SECTION 1600- TO ALLOW AN ACCESSORY FAMILY UNIT. SAID REAL ESTATE IS LOCATED AT 25 ALGONQUIN DR. AND FURTHER IDENTIFIED AS LOT 221 ON TAX ASSESSOR'S PLAT105.

A MOTION WAS MADE BY PETER VAN STEEDEN AND SECOND BY TOM NEWMAN THAT THIS DWELLING WOULD BE ONLY FOR FAMILY..USE. MOTION GRANTED 5-0

3.) - AUSTIN & SUSAN WHITE-8 BARTLETT RD.-MIDDLETOWN, R..I.-(OWNER) JOHN VENTURA 11139 HONEYMAN AVE. MIDDLETOWN, R.I.-(APPLICANT) FOR A VARIANCE FROM SECTIONS

603,.701,& 803G TO CONSTRUCT A 5'X16' (FRONT) & 10' X16' (REAR) ONE STORY ADDITION WITH A SIDE YARD SETBACK OF 19.1' WHERE 30' IS REQUIRED AND A REAR YARD SETBACK OF 57'.6' WHERE 60' IS REQUIRED. SAID REAL ESTATE IS LOCATED AT 13129 GREEN END AVE.AND FURTHER IDENTIFIED AS LOT 119 ON TAX ASSESSOR'S PLAT 125.

ABUTTER MR. GAWALT TESTIFIED THAT HE HAS NO PROBLEM WITH THIS PETITION.

A MOTION WAS MADE BY PETER VAN STEEDEN AND SECOND BY TOM NEWMAN TO GRANT THE PETITION. PETITION GRANTED 5-0

4). (2) 985 EAST MAIN RD,LLC.-C/O . -DAVID MARTLAND ESQ.-1100 AQUIDNECK AVE. MIDDLETOWN, R.I.-FOR A VARIANCE FROM SECTIONS 602,702,804,1504,1505 AND ALL APPLICABLE PROVISIONS OF THE ORDINANCE- TO ALLOW THE DEMOLITION OF AN EXISTING 36 UNIT HOTEL/MULTI-FAMILY DWELLING USE AN D THE CONSTRUCTION OF A 36 UNIT MULTI-FAMILY DWELLING PROJECT. ( ALL 2 BEDROOMS UNITS) (14 ALLOWED) TO BE LOCATED IN TWO BUILDINGS (1 ALLOWED IN AN R-30 ZONING DISTRICT RESULTING IN GREATER DENSITY AND LESS OPEN SPACE THAN REQUIRED. SAID REAL ESTATE IS LOCATED AT 985 EAST MAIN RD AND FURTHER IDENTIFIED AS LOT 20 ON TAX ASSESSOR'S PLAT 118

5. 985 EAST MAIN RD. LLC-C/O- DAVID MARTLAND ESQ.-1100 AQUIDNECK AVE. MIDDLETOWN, R.I.- FOR A SPECIAL USE PERMIT-FROM SECTION 802,803,(A), 1500 et seq.-TO PERMIT THE

ALTERATION EXTENSION AND ENLARGEMENT OF AN EXISTING NON-CONFORMING USE: NAMELY, A 36 UNIT HOTEL MULTI-FAMILY DWELLING PROJECT BY THE DEMOLITION OF THE EXISTING STRUCTURE AND THE CONSTRUCTION OF A 36 UNIT MULTI-FAMILY PROJECT. SAID REAL ESTATE IS LOCATED AT 985 EAST MAIN RD. AND FURTHER IDENTIFIED AS LOT 20 ON TAX ASSESSOR'S PLAT 118.

SECRETARY LUCY LEVADA RECLUSES HER SELF FROM THIS PETITION. VOTING MEMBERS WILL BE ED MOY, MELISSA MASSEY. RICHARD CAMBRA, STEVE MAC GILLIVRAY AND TOM SILVEIRA..

ATTORNEY DAVID MARTLAND REPRESENTED MR. CHAPMAN. AND STATED THAT THE CABINS ARE IN NEED OF REPAIR. THIS PROJECT IS IN A R30 ZONING DISTRICT AND DOES NOT ALLOW MULTI-FAMILY DWELLINGS. MR. CHAPMAN WENT BACK REDUCE THE NUMBER OF UNITS FROM 36 TO 30 UNITS. THE PLANNING BOARD DENIED THE PETITION FOR 36 UNITS.A REVISED RENDERING WAS SUBMITTED . MR. GEORGE DURGAN FROM HOGAN APPRAISAL STATED

PAGE 3

THAT THERE IS 2.65 ACRES WITH 2 CURB CUTS AND 36 COTTAGES IN A R30 TRAFFIC SENSITIVE AREA.. IN ORDER FOR MR. CHAPMAN TO MAKE THIS PROJECT PROFITABLE HE NEEDS THE 30 UNIT

**MULTI FAMILY DWELLINGS. , MR. CHAPMAN STATED THAT HE HAD A PARTNER WHO PASSED AWAY AND MR. CHAPMAN BOUGHT HIM OUT. AND SINGLE FAMILY HOMES WOULD NOT BE PROFITABLE FOR HIM. THESE BUILDINGS WILL BE 34' IN HEIGHT.**

**MS. CELINE RICE OF 113 MEADOW LANE. ABUTTER SPOKE ON THE DENSITY..**

**MR.DAVID RICE ABUTTER STATED THAT MR. CHAPMAN KNEW WHAT THE PROPERTY WAS ZONED FOR WHEN HE BOUGHT IT. MOST OF THE HOMEOWNERS ON MEADOW LN. PAID AROUND \$600,000.00 FOR THEIR HOMES THIS WOULD ALSO INCREASE THE TRAFFIC**

**MR. PETER MCGOVERN ABUTTER SPOKE ALSO ON THE DENSITY OF THE AREA**

**MARY JOHNSON 186 MEADOW LANE SPOKE ALSO IN OPPOSITION OF THIS PROJECT.**

**MR. TIM SHEELY 233 MEADOW LN AND PRESIDENT OF THE MEADOW LANE HOME OWNERS ASSOCIATION SPOKE AND STATED THAT AFTER MANY MEETING WITH THE ABUTTERS AND ALSO MR. CHAPMAN'S ATTORNEY ABOUT THE DENSITY AND THAT THE PLANNING BOARD DID**

**NOT APPROVE THIS PROJECT . MR. CHAPMAN KNEW WHAT THE ZONING REQUIRED WHEN HE BOUGHT THIS PROPERTY AND KNEW WHAT WAS ALLOWED..THE MEADOW LANE ASSOCIATION HAS 30 HOMES AND HAS 2 OPEN SPACE AREAS THAT THEY OWN AND HAVE TO UPKEEP. WITH INSURANCE AND LAWN CARE.. ONE OF THESE OPEN SPACE AREAS BORDERS DIRECTLY BEHIND THIS**

**PROJECT.**

**CONDITIONS ON THIS PROPERTY WERE GIVEN TO MR. TIM SHEELY ,THE ABUTTERS AND THE ZONING BOARD..**

**PETER VAN STEEDEN ASKED MR. CHAPMAN IF HE HAD TO BUY HIS PARTNER OUT. MR. CHAPMAN STATED HE WAS NOT REQUIRED TO BUY HIM OUT.**

**A MOTION WAS MADE BY ED MOY AND SECOND BY MELISSA MASSEY TO CLOSE THE HEARING.**

**A MOTION WAS MADE BY ED M OY AND SECOND BY RICHARD CAMBRA TO GRANT THE PETITION WITH THE CONDITIONS 2 AND 7 AND ADD 9 ACCESS TO USE OF TRAFFIC LIGHT**

**DISCUSSION ON MOTION;**

**BOARD MEMBER STEVE MACGILLIVRAY VOTED TO DENY THE PETITION AND STATED HE VIEWED THE PROPERTY AND QUOTED THE USE VARIANCE STANDARDS AND SPECIAL USE PERMIT AND THAT MR. CHAPMAN KNEW THE ZONING ORDINANCE FOR R30 ZONING BEFORE HE BOUGHT THIS PROPERTY,,THIS IS NOT A HARDSHIP FOR HIM AS HE CAN BUILD SOMETHING ELSE ON THIS PROPERTY THAT WOULD NOT AFFECT THE DENSITY. AND WOULD BE ACCEPTABLE TO THE ABUTTERS AND THIS BOARD.**

**THE OTHER BOARD MEMBERS ALSO AGREED WITH STEVE MACGILLIVRAY AND VOTED TO DENY THE PETITION BECAUSE OF DENSITY AND TRAFFIC IN THE AREA. AND MR. CHAPMAN HAS NOT COMPLIED WITH THE ZONING STANDARDS ON USE VARIANCE AND SPECIAL USE PERMIT.**

**PETITION DENIED 0-5**

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IN THE MONTH OF APRIL OFFICERS ARE ELECTION TO THE  
ZONING BOARD. THEY ARE

PAGE 4

CHAIRMAN - TOM SILVEIRA

VICE CHAIR- PETER VAN STEEDEN

SECRETARY- LUCY LEVADA

VOTING BOARD MEMBERS:

TOM SILVEIRA

PETER VAN STEEDEN

LUCY LEVADA

TOM NEWMAN

MELISSA MASSEY

3 )ALTERNATES :

1, RICHARD CAMBRA

2. STEVE MACGUILLVRAY

3. GREG SCHULTZ



**A MOTION WAS MADE BY TOM NEWMAN AND SECOND BY MELISSA  
MASSEY TO ADJOURN**

**MEETING ADJOURNED: 10:00 P.M.**

**RESPECTFULLY SUBMITTED**

**LUCY LEVADA  
SECRETARY**